THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 25-11-2005

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WRIT PETITION No.25143 OF 2005

Between:

A.P.Power Generating Employee Union, Krishna Dist. and others . . .Petitioners

And

The Managing Director, APGCL, Hyderbad and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25143 OF 2005

O R D E R:

The petitioners state that they have been initially absorbed as Mazdoors as per the scheme contained in B.P.Ms.No.37, dated 18-05-1997, and thereafter, appointed by transfer as Lower Division Clerks. Their grievance is that their services as Lower Division Clerks were not absorbed with effect from 06-12-1996 as was done in the case of other similarly situated persons. They claim to have made a representation, dated

15-07-2004, in this regard and complain that no action has been taken thereon.

Heard the learned counsel for the petitioners and learned Standing Counsel for the respondents.

Basically, the petitioners came to be absorbed in pursuance of a scheme contained in B.P.Ms.No.37. The scheme was provided for regularization of the employees, who were appointed against certain prohibited categories. It is, but, natural that the absorption must be against the said categories. The petitioners were engaged as Mazdoors on contract basis and thereafter, were absorbed on regular basis. For all practical purposes, such a course must be treated as full compliance with the requirements under the scheme or the judgments dealing with that aspect.

The petitioners have been appointed on transfer as Lower Division Clerks. It is rather difficult to correlate this step, to the implementation of the scheme of regularization of contract labour. The circumstances, under which the other employees were extended the benefit of regularization with retrospective effect, are not present before this Court. In the ordinary course of things, appointment or promotion is required to be prospective in effect. However, the petitioners claim the benefit of retrospective regularization. Except citing the instances of some other employees, the petitioners have not indicated any provision of law or a decided case.

The question as to whether the petitioners are situated in the same position as those who were extended the benefit of retrospective regularization, needs to be considered by the respondents. This Court cannot express any opinion about it. It is for the respondents to examine the matter and communicate the result thereof to the petitioner. The representation of the petitioners submitted on 15-07-2004 cannot be kept pending indefinitely.

For the foregoing reasons, the writ petition is disposed of directing the respondents to pass appropriate orders on the representation submitted by the petitioners on 15-07-2004, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

25th NOVEMBER, 2005.

Note: furnish copy in one week.

B/o

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